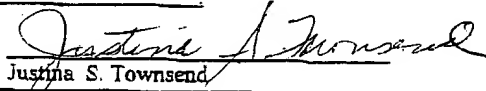


PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tracy E. Grim, et al. Examiner: Marie Patterson  
Serial No. 09/592,462 Group Art Unit: 3728  
Filed: June 9, 2000 Docket No. 480032-307  
Title: FOOTGEAR WITH PRESSURE RELIEF ZONES

CERTIFICATE UNDER 37 CFR 1.8  
I hereby certify that this correspondence and identified enclosures are being deposited with the United States Postal Service, first class mail, postage prepaid, under 37 C.F.R. 1.8 on the date indicated, and is addressed to the Commissioner for Patents, BOX: Non-Fee Amendment, Washington, D.C. 20231 on October 9, 2001  
  
Justina S. Townsend

BOX: Non-Fee Amendment  
Commissioner for Patents  
Washington, D.C. 20231

DECLARATION OF KENT WEBSTER


I, KENT WEBSTER, hereby declare as follows:

1. I am Kent Webster the Chief Financial Officer of Royce Medical Company and I am executing this Declaration By Assignee as part of my duties as Chief Financial Officer. I am a citizen of the United States of America having a principle place of business at 742 Pancho Road, Camarillo, California 93021

The entire title of the patent identified below is vested in said assignee.

Name of Patentees: Tracy E. Grim, Kevin Richard O'Donnell, Eric Gerard Montag

Patent No. 5,761,834

 Date of Patent Issue: June 9, 1998

Title of the Invention: FOOTGEAR WITH PRESSURE RELIEF ZONES

Received Time Oct. 1. 4:08PM

Serial No. 09/607,996

I believe said patentee(s) to be the original, first and sole/joint inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled: FOOTGEAR WITH PRESSURE RELIEF ZONES the specification of which is attached hereto.

I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid for the reasons described below:

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

At least one error upon which reissue is based is described as follows:

The patent claims less than the patentee had the right to claim. There is no claim in the patent directed substantially to the following structure: Footgear with pressure relief areas for the foot, said footgear having a sole area extending substantially for the entire area underlying the foot of a user comprising an outer sole; an inner sole extending substantially over the entire sole area mounted in said footgear above said outer sole, said inner sole having a plurality of independently vertically movable sections arranged in a grid pattern, said independently vertically movable sections having lower surfaces which are mounted within said footgear and said sections together form a substantially smooth surface for engagement by the foot; means for independently modifying support of the foot provided at each section location; said resilient sections being directly adjacent one another to form said grid; and said grid of resilient sections comprising substantially all of said inner sole and extending over substantially all of said sole area; wherein said resilient sections each comprise at least three layers of progressively different softness and resiliency, with the softest and most resilient layer being closest to the foot. Similarly, there is no claim in the patent claiming the foregoing, in which the footgear is a shoe, or a shoe that further comprises a heel portion that extends only partially up the heel of the user.

All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the applicants.

Serial No. 09/607,996

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact business in the Patent and Trademark Office connected therewith:

Berman, C., Reg. 29249	Guemsey, L.B., Reg. 40,008	Larson, D.N., Reg. 29,401
Bobys, M.P., Reg. 45,267	Guillot, R.O., Reg. 28,852	Lazaris, S.J., Reg. 45,981
Bosworth, M.K., Reg. 28,186	Hamrick, C.A.S., Reg. 22,586	Lervick, C.J., Reg. 35,244
Bovasso, L.J., Reg. 24,075	Hansen, S.R., Reg. 38,486	Lieske, S.C. Reg. 47,749
Boyce, J., Reg. 40,920	Harris, M.D., Reg. 26,690	MacLean, K.A., Reg. 31,118
Brown, M.E., Reg. 28,590	Hayden, R.D., Reg. 42,645	McKinley, D., Reg. 42,867
Burton, D.L., Reg. 45,323	Heyninck, M., Reg. 44,763	McRoss, L., Reg. 40,427
Canter, B., Reg. 34,792	Hickman, P.L., Reg. 28,516	Morton, C.A., Reg. 44,954
Chen, A., Reg. P48,508	Howell, S.M., Reg. 45,929	Nader, R., Reg. P47,260
Chou, C., Reg. 41,672	Hughes, M.J., Reg. 29,077	Roberts, R.E., Reg. 38,597
Coleman, B.R., Reg. 39,145	Inskoop, J.W., Reg. 33,910	Rose, A. C., Reg. 17,047
Cullman, L.C., Reg. 39,645	Jastram, H.D., Reg. 19,777	Rosenberg, C., Reg. 31,464
Darrow, C., Reg. 30,166	Kelley, S.S., Reg. 43,449	Sherry, L., Reg. 43,918
Diepenbrock III, A.B., Reg. 39,960	Kennedy, B., Reg. 33,407	Smith, G.P., Reg. 20,142
Edwards, W.G., Reg. 44,426	Khan, T., Reg. 46,273	Swienton, B., Re. P49,050
Farber, M., Reg. 32,612	Kudla, J.P., Reg. P47,724	Wood, G.B., Reg. 28,133

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their attorneys to prosecute this application and to transact in connection with the application all business in the Patent and Trademark Office and before competent International Authorities including the World Intellectual Property Organization.

To the best of my knowledge and belief, title is in the assignee identified above. I am empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent application issuing thereon.

Respectfully submitted,

Date: Sept 10, 2001

  
Kent Webster